



CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON SEPTEMBER 20, 2001

Marianne H. Michel
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September 20, 2001
DATE

Attorney Docket No.1121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pramod B. Mahajan Date: September 20, 2001
Serial No.: 09/589,510 Group Art Unit: 1638
Filed: June 7, 2000 Examiner: Ibrahim, M.
For: "Maize Orthologues of Bacterial RuvB: cDNAs and Uses Thereof"

Assistant Commissioner for Patents
Washington, D.C. 20231

Response to Restriction Requirement

This is in response to the Restriction Requirement issued August 31, 2001, in which the Examiner has required restriction between Group I (Claims 1-9), Group II (Claims 10-12) and Group III (Claim 13). Applicants hereby elect with traverse to prosecute the claims of Group I and expressly reserve the right to file divisional applications or take other such appropriate measures to protect the inventions in the remaining claims. No change of inventorship is required due to this election of Group I. The Applicants respectfully traverse the Restriction Requirement and request reconsideration of the same.

The Examiner has concluded that inventions I and II are related as product and process of use. The Examiner asserts that the process (modulating the level of RuvB in a plant) can be practiced with another materially different product (by directly introducing protein into plants). The Applicants respectfully traverse. The

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Examiner is directed to Claim 10 of Group II where the process *as claimed* comprises:

"(a) introducing into a plant cell a recombinant expression cassette **comprising a RuvB polynucleotide** operably linked to a promoter....;"

Inventions of Groups I and III are disclosed and claimed as capable of use together as a polynucleotide of Group I can be used to produce the polypeptide of Group III using the methods of Group II. As such, Claim 10 and 11 are directed to this process and may be considered unifying claims. Further, Claims 1 (b) and 2 (a) are directed to any polynucleotide that encodes a polypeptide of SEQ ID NO: 2, 4, 6, 8, or 10, again linking these two Groups.

Inventions of Groups II and III are disclosed and claimed as capable of use together. Claims 10 and 11 of Group II claim a process wherein the level of RuvB is modulated (Groups I and III). This process culminates in not only modulating the level of RuvB polynucleotides of Group I, but also the cognate RuvB polypeptides of Group III.

As all the Groups fall into the Examiner's Art Unit, it is also believed that Groups I, II and Group III can be searched together without an undue burden on the Examiner. Therefore, the Applicants respectfully request that restriction between Groups I, II and III in this application be withdrawn.

Respectfully submitted, \



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